



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 6, 2022

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In re:	§	
	§	Case No. 21-41656-ELM
JAMES VARGA,	§	
	§	Chapter 7
Debtor.	§	
	§	
MARY FROSTO, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
v.	§	Adversary No. 21-04079
	§	
JAMES VARGA, III,	§	
	§	
Defendant.	§	

**SECOND ORDER (I) REQUIRING REPLEADING OF COMPLAINT AND GRANTING  
LEAVE FOR SAME, AND (II) SETTING DEADLINE AND REQUIREMENTS FOR  
ANSWER OR OTHER RESPONSIVE PLEADING**

On April 5, 2022, following an initial trial docket call hearing conducted in this adversary proceeding on April 4, 2022, the Court entered an *Order (I) Requiring Repleading of Complaint and Granting Leave for Same, (II) Setting Deadline and Requirements for Answer, and (III) Rescheduling Trial Docket Call* [Docket No. 7] (the “**April 5 Order**”).

Pursuant to the April 5 Order, the Plaintiffs were ordered to file and serve an amended complaint in which the Plaintiffs specifically identify each cause of action that the Plaintiffs are asserting against the Defendant under each stated claim for relief (an “**Amended Complaint**”) by

no later than 21 days after the date of entry of the April 5 Order – *i.e.* April 26, 2022. The Plaintiffs failed to comply with the April 5 Order and no Amended Complaint has been filed to date.

On June 6, 2022, the Court conducted a continued trial docket call hearing in the adversary proceeding. Appearances were made by counsel of record for the Plaintiffs and counsel for the Defendant. At the hearing, Plaintiffs' counsel acknowledged that the required Amended Complaint has not been filed but requested additional time for compliance because the Plaintiffs are allegedly in the process of transitioning to new counsel. Determining that an extension of time will not unduly prejudice the Defendant, the Court announced that it would enter an order extending the deadline set out in the April 5 Order, subject, however, to ramifications in the event of continuing non-compliance. Accordingly, it is hereby:

**ORDERED** that, by no later than July 5, 2022 (the “**Repleading Deadline**”), the Plaintiffs shall file and serve<sup>1</sup> an Amended Complaint, and are hereby granted additional leave under Fed. R. Bankr. P. 7015 and Fed. R. Civ. P. 15(a)(2) through and including the Repleading Deadline to do so; it is further

**ORDERED** that in the event an Amended Complaint is not filed by the Repleading Deadline, then this adversary proceeding shall be dismissed without prejudice for want of prosecution; it is further

**ORDERED** that, in the event an Amended Complaint is timely filed by the Repleading Deadline but the Amended Complaint is filed by less than all Plaintiffs, then the claims of each Plaintiff who has not joined in the Amended Complaint or filed his or her own Amended Complaint by the Repleading Deadline shall be dismissed without prejudice for want of prosecution; it is further

**ORDERED** that, in the event an Amended Complaint(s) is (are) timely filed, then by no later than 21 days after the date of service of the Amended Complaint(s), the Defendant shall file an answer or other permitted responsive pleading to the Amended Complaint(s) that complies with all applicable Federal Rules of Bankruptcy Procedure and Federal Rules of Civil Procedure; it is further

**ORDERED** that, in the event an Amended Complaint(s) is (are) timely filed, then the parties shall promptly thereafter confer in good faith on the submission of a proposed agreed amended scheduling order; *provided* that if the parties are unable to reach agreement on such an amended scheduling order prior to August 1, 2022, then the Court shall conduct a scheduling conference on August 1, 2022, at 1:30 p.m. (prevailing Central Time), before the Honorable Edward L. Morris, Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Room 204, Fort Worth, Texas 76102, for the purpose of addressing pretrial deadlines and a new trial docket call hearing date in the adversary proceeding.

### END OF ORDER ###

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<sup>1</sup> Service shall be provided to both the Defendant (at the last known address of the Defendant) and Defendant's counsel Norred Law, Attn: Clayton L. Everett, Esq., 515 E. Border Street, Arlington, Texas 76010.